

Message

From: Cohon, Keith [Cohon.Keith@epa.gov]
Sent: 8/7/2013 9:13:53 PM
To: Ryan, Mark [Ryan.Mark@epa.gov]; Gable, Kelly [Gable.Kelly@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Hilsman, Deborah [Hilsman.Deborah@epa.gov]; Owens, Kim [Owens.Kim@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Bellovary, Chris [Bellovary.Chris@epa.gov]
Subject: RE: NPDES jurisdiction

... or chopping up live fish and turning them into fish mush – if you can believe that. And if you do believe it, try this one: that was a “victory” for EPA, because that was our position and the court deferred to it. Seriously.

From: Ryan, Mark
Sent: Wednesday, August 07, 2013 1:37 PM
To: Gable, Kelly; Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Weber, Courtney; Cohon, Keith; Bellovary, Chris
Subject: RE: NPDES jurisdiction

There's case law now (I think it was Keith's case) Ex. 5 AC/DP

Ex. 5 AC/DP

-Mark

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From: Gable, Kelly
Sent: Wednesday, August 07, 2013 1:38 PM
To: Ryan, Mark; Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Weber, Courtney; Cohon, Keith; Bellovary, Chris
Subject: RE: NPDES jurisdiction

Oooh, good question! Assuming Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP For example, take Bonneville – it looks like Oregon may have issued the permit (see <http://www.deq.state.or.us/nwr/permits/BonnevilleTannerCreek-P-WQ.pdf>), and that the Portland Division of the Corps owns the facility (see <http://www.cbr.washington.edu/hydro/bonneville>). I would have thought Ex. 5 AC/DP
Ex. 5 AC/DP but this page <http://www.ecy.wa.gov/programs/wq/ferc/index.html> doesn't list Bonneville or any of those listed in the article below.

This is just my quick thoughts, though, maybe not on point at all. I'd love to hear how this shakes out.

From: Ryan, Mark
Sent: Wednesday, August 07, 2013 3:04 PM
To: Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Weber, Courtney; Cohon, Keith; Gable, Kelly; Bellovary, Chris
Subject: NPDES jurisdiction

Anyone know what state (or EPA) would issue an NPDES permit to a dam that straddles the state line between Oregon and Washington? The enviros are suing the Corps for discharging without a permit from the Columbia River dams. The dams are in two states. I've never seen this issue before. Thanks.

-Mark

Water Pollution
Conservation Group Sues Corps Alleging
Water Act Violations at Columbia River Dams

Ex. 4 Copyright

By Paul Shukovsky
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Ex. 4 Copyright

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